



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Reject All Bids and Authorize Readvertisement for Bids for Emerson Park and Lawrence Park Restroom Facilities

**MEETING DATE:** July 20, 1994

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council reject all the bids for the Emerson Park and Lawrence Park Restroom Facilities project and authorize readvertising for bids.

**BACKGROUND INFORMATION:** On July 6, 1994, the City received three bids for the Emerson Park and Lawrence Park Restroom Facilities project. (The bid tabulation sheet is attached as **Exhibit A**.) Restroom Facilities was the apparent low bidder with a base bid submittal of \$93,057.

On July 7, 1994, the City received a letter from one of the bidders, Zumwalt Construction, protesting the submittals of the other two bidders and requesting that their proposals be considered nonresponsive bids. A copy of the letter from Zumwalt Construction is also attached (**Exhibit B**).

Zumwalt Construction claimed that Restroom Facilities did not hold a valid California contractor's license and was protesting their bid on that basis. The bid proposal signed by Restroom Facilities listed a contractor's license number of B624025. A call to the State Contractor's Licensing Board revealed that the license was current but was issued to John J. Gill Construction in Los Angeles County. Gill Construction was contacted and they were not aware of either our project or Restroom Facilities. The State Licensing Board also informed us that Restroom Facilities' license number is B625024 and that it is not valid because the contractor's bond has been suspended. The Board's recorded message indicated that the license may be suspended at a future date for failure to comply with an outstanding civil judgment. Because the bid from Restroom Facilities does not have the correct license number, it must be rejected.

Zumwalt Construction also protested the bid from Diede Construction because they did not provide the submittals as required on the bid proposal. The specifications required all bidders to submit shop drawings or manufacturer's literature with their bids so that a review could be made on the type of prefabricated building that would be built. No submittals were attached to the Diede bid.

Because of the nonresponsive bids from the two lowest bidders, and because the bid from Zumwalt Construction is approximately \$50,000 higher than the other bids, staff is recommending that Council reject all the bids and authorize readvertising for bids.

<b>FUNDING:</b>	Originally Budgeted:	1993/94
	Budgeted Fund:	Community Development Block Grant Fund
	Current Appropriation:	\$100,266
	Total Project Estimate:	\$114,440 (including limestone veneer)
	Bid Opening Date:	August 24, 1994

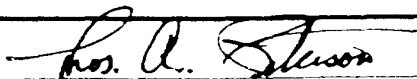
  
Jack L. Ronsko  
Public Works Director

Prepared by ~~Wesley~~ K. Fujitani, Senior Civil Engineer

Attachments

cc: City Attorney  
Purchasing Officer  
Parks and Recreation Director  
Bidders

APPROVED



THOMAS A. PETERSON  
City Manager



recycled paper

City of Lodi  
Public Works Department  
Tabulation of Bids Received on 7/6/94  
Project: Emerson Park & Lawrence Park Restroom Facilities

			Engineer's Estimate		Restroom Facilities		Diade Construction		Zumwalt & Assoc.		
Item	Description	Qty.	Unit	Price	Total	Price	Total	Price	Total	Price	Total
<u>Emerson Park</u>											
1	Clearing and Grubbing	1	LS	\$3,000 00	\$3,000 00	\$3,400 00	\$3,400 00	\$3,168 00	\$3,168 00	\$6,002 00	\$6,002 00
2	Construct Concrete Floor w/ Floor Drains	1	LS	4,000 00	4,000 00	4,830 00	4,830 00	7,740 00	7,740 00	6,763 00	6,763 00
3	Furnish and Install Restroom Facilities	1	LS	42,000 00	42,000 00	48,560 00	48,560 00	51,035 00	51,035 00	69,605 00	69,605 00
4	Furnish and Install Privacy Screens	1	LS	800 00	800 00	1,200 00	1,200 00	1,421 00	1,421 00	1,570 00	1,570 00
5	Install Wastewater Cleanout	1	EA	500 00	500 00	460 00	460 00	300 00	300 00	517 00	517 00
				Subtotal 1	\$50,300 00	Subtotal 1	\$58,450 00	Subtotal 1	\$63,664 00	Subtotal 1	\$84,457 00
<u>Lawrence Park</u>											
1	Clearing and Grubbing	1	LS	\$500 00	\$500 00	\$1,000 00	\$1,000 00	\$1,640 00	\$1,640 00	\$3,518 00	\$3,518 00
2	Construct Concrete Floor w/ Floor Drains	1	LS	3,500 00	3,500 00	2,660 00	2,660 00	5,060 00	5,060 00	7,723 00	7,723 00
3	Furnish and Install Restroom Facilities	1	LS	32,000 00	32,000 00	29,462 00	29,462 00	27,540 00	27,540 00	51,747 00	51,747 00
4	Furnish and Install Privacy Screens	1	LS	800 00	800 00	1,200 00	1,200 00	1,184 00	1,184 00	1,570 00	1,570 00
5	Concrete Sidewalk	75	SF	8 00	600 00	3 80	285 00	7 49	561 75	4 50	337 50
				Subtotal 2	\$37,400 00	Subtotal 2	\$34,607 00	Subtotal 2	\$35,985 75*	Subtotal 2	\$64,895 50
Total = Subtotal 1 + Subtotal 2					\$87,700 00		\$93,057 00		\$99,649 75		\$149,352 50
<u>Optional Bid Items</u>											
1	Install 4-foot Slumpstone Wall Veneer At Emerson Park	1	LS	3,000 00	\$3,000 00	3,648 00	\$3,648 00	4,897 00	\$4,897 00	5,838 00	\$5,838 00
2	Install 4-foot Slumpstone Wall Veneer At Lawrence Park	1	LS	2,600 00	\$2,600 00	2,486 00	\$2,486 00	4,516 00	\$4,516 00	5,595 00	\$5,595 00
Total Optional Bid					\$5,600 00		\$6,134 00		\$9,413 00		\$11,433 00

\* = Corrected Figure (Bid Shown \$99,650)

**John F. Zumwalt**  
LIC. #459102  
6909 Oak Spring Way  
Citrus Heights, CA 95621  
(916) 722-9450 (916) 723-7741 FAX

City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

7/794

Attn: Purchasing Officer  
Joel E. Harris

Re: Protest for Emerson & Lawrence Parks Restroom Facilities

Dear Purchasing Officer,

On June 6th, 1994 at 11:00 am in the City of Lodi, I entered a proposal for the above referenced project. Upon attending the bid opening I noticed many discrepancies with the apparent low bidders.

List of bidders: Restroom Facilities of Reno, Nevada  
Dede Construction of Westbridge  
John F. Zumwalt of Citrus Heights

As so stated in the Notice Inviting Bids Section 1 - " The prime contractor on this project shall possess a valid State of California Class A or Class B contractor's license."

As stated in the Information to Bidders Section 2 - 2.400 Bidding Documents - "Each proposal shall include all addenda or clarifications issued during the bidding period acknowledge by the bidder's signature thereon. Failure to so include or acknowledge an addendum or clarification will result in the proposal being rejected as not responsive.

Shop Drawings or manufacturer's literature of the proposed restroom shall be submitted with the proposal form at the time of bid submittal."

As stated in the Information to Bidders Section 2 - 2.500 Rejection of Proposals containing Alterations, Erasures of Irregularities - "Proposal may be rejected if they show any alterations of form, additions not called for, conditional or alternative bids, incomplete bids, erasures or irregularities of any kind."

Unfortunately all of these requirements were not made by the apparent top two low bidders.

Restroom Facilities of Reno Nevada's does not hold a valid State of California Contractors License as of 6-24-94 prior to the bid opening it is in suspension.

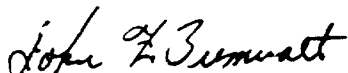
Restroom Facilities of Reno Nevada also did not have a complete bid proposal on the day of bid 7-6-94. As stated in Section 2.400 all clarifications must be acknowledged and included in the proposal. Shop Drawings or manufactures literature of the proposed restroom shall be submitted at time of bid submittal. This was not included with the bid proposal. As stated in Sections 6 this must be furnished to the City of Lodi as a basis for the comparison of bids.

Unfortunately, the two apparent low bidders did not feel it necessary to comply with the bidding requirements for this project. And did not feel it necessary to disclose the restroom facilities chosen. I am sure that the City Council and the Public Works Department would like to review these designs before they submit them for plan check's and reviews.

Because of the irregularities of the two apparent low bidders I am entering my protest and requesting that they be listed as not responsive bidders.

Thank you for your time and consideration, I look forward to hearing from you soon. If you should need additional information, please feel free to contact us.

Sincerely,

  
John F. Zumwalt

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
STEPHEN J. MANN  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

July 13, 1994

*Mailing List attached*

SUBJECT: Reject All Bids and Authorize Readvertisement for Bids for Emerson Park and  
Lawrence Park Restroom Facilities

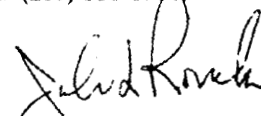
Enclosed is a copy of background information on an item on the City Council agenda of  
Wednesday, July 20, 1994, at 7 p.m. The meeting will be held in the City Council Chamber,  
Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member  
requests discussion. The public is given an opportunity to address items on the consent  
calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi,  
P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may  
hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card  
(available at the Carnegie Forum immediately prior to the start of the meeting) and give it to  
the City Clerk. If you have any questions about communicating with the Council, please  
contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Wes Fujitani, Senior Civil Engineer,  
at (209) 333-6706.

  
Jack L. Ronsko  
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓

NBIDRJCT.DOC

RESTROOM FACILITIES CORP  
120 WOODLAND AVE  
RENO NV 89523

LODI, CALIFORNIA 95241-1910

DIEDE CONSTRUCTION  
P O BOX 1007  
WOODBIDGE CA 95258

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ZUMWALT CONSTRUCTION  
6909 OAK SPRING WY  
CITRUS HEIGHTS CA 95621

RESOLUTION NO. 94-83

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A RESOLUTION OF THE LODI CITY COUNCIL  
REJECTING ALL BIDS RECEIVED AND AUTHORIZING  
READVERTISEMENT FOR BIDS FOR EMERSON PARK  
AND LAWRENCE PARK RESTROOM FACILITIES

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WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on July 6, 1994 at 11:00 a.m. for the Emerson Park and Lawrence Park Restroom Facilities project, described in the specifications therefor approved by the City Council on June 1, 1994; and

WHEREAS, said bids have been compared, checked, tabulated and a report thereof filed with the City Manager as shown on Exhibit A attached hereto and made a part of this resolution; and

WHEREAS, two of the bids received were nonresponsive and all bids should therefore be rejected and readvertised.

NOW, THEREFORE, BE IT RESOLVED BY THE LODI CITY COUNCIL, that all bids for Emerson Park and Lawrence Park Restroom Facilities are rejected, and the readvertisement for bids is hereby authorized.

Dated: July 20, 1994


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I hereby certify that Resolution No. 94-83 was passed and adopted by the Lodi City Council in a regular meeting held July 20, 1994 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Snider  
and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None

  
Jennifer M. Perrin  
City Clerk

City of Lodi  
Public Works Department  
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Project: Emerson Park & Lawrence Park Restroom Facilities

			Engineer's Estimate		Restroom Facilities		Diode Construction		Zumwalt & Assoc.	
Item Description	Qty.	Unit	Price	Total	Price	Total	Price	Total	Price	Total
<u>Emerson Park</u>										
1 Clearing and Grubbing	1	LS	\$3,000.00	\$3,000.00	\$3,400.00	\$3,400.00	\$3,168.00	\$3,168.00	\$6,002.00	\$6,002.00
2 Construct Concrete Floor w/ Floor Drains	1	LS	4,000.00	4,000.00	4,830.00	4,830.00	7,740.00	7,740.00	6,763.00	6,763.00
3 Furnish and Install Restroom Facilities	1	LS	42,000.00	42,000.00	48,560.00	48,560.00	51,035.00	51,035.00	69,605.00	69,605.00
4 Furnish and Install Privacy Screens	1	LS	800.00	800.00	1,200.00	1,200.00	1,421.00	1,421.00	1,570.00	1,570.00
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5 Concrete Sidewalk	75	SF	8.00	600.00	3.80	285.00	7.49	561.75	4.50	337.50
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Total = Subtotal 1 + Subtotal 2				\$87,700.00		\$93,057.00		\$99,649.75		\$149,352.50
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Total Optional Bid				\$5,600.00		\$6,134.00		\$9,413.00		\$11,433.00

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